

EXHIBIT

24

Transcript of the Testimony of

JENNIFER TUSCANO

July 3, 2025

**STUDENTS FOR JUSTICE IN PALESTINE AT PITT VS
UNIVERSITY OF PITTSBURGH**



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1 (Pages 1 to 4)

<p style="text-align: right;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA</p> <p style="text-align: center;">CIVIL ACTION NO. 2:25-CV-00524</p> <p>STUDENTS FOR JUSTICE IN) PALESTINE AT PITT,)) Plaintiff,)) VS.)) UNIVERSITY OF PITTSBURGH; JOAN) GABEL, MARLIN NABORS, KARIN) ASHER, DAVAUGHN VINCENT-BRYAN,) MATTHEW LANDY, and JAMEY MENTZER,) all in their official and) individual capacities,)) Defendants.)</p> <p style="text-align: center;">DEPOSITION OF JENNIFER TUSCANO VIA VIDEOCONFERENCE</p> <p>DEPOSITION taken before me, Mary J. Carney, a Notary Public within and for the Commonwealth of Pennsylvania, via Zoom videoconference, beginning at 12:03 p.m. on July 3, 2025, pursuant to Notice and to be used pursuant to the Federal Rules of Civil Procedure in the aforesaid cause of action, pending in the United States District Court for the Western District of Pennsylvania.</p>	<p style="text-align: right;">2</p> <p style="text-align: center;">APPEARANCES</p> <p>1 2 3 On Behalf of Plaintiff: 4 Solomon Furious Worlds, Esquire Kirsten M. Hanlon, Esquire 5 ACLU OF PENNSYLVANIA P.O. Box 60173 6 Philadelphia, PA 19102 215-592-1513 7 sfworlds@aclupa.org khanlon@aclupa.org 8 9 Witold J. Walczak, Esquire ACLU OF PENNSYLVANIA P.O. Box 23058 10 Pittsburgh, PA 15222 412-681-7864 11 vwalczak@aclupa.org 12 13 On Behalf of Defendants: 14 Alexander R. Bilus, Esquire Mary Hutchings, Esquire 15 SAUL EWING LLP Centre Square West 16 1500 Market Street, 38th Floor Philadelphia, PA 19102-2186 17 215-972-7777 alexander.bilus@saul.com mary.hutchings@saul.com 18 19 Also Present: 20 J. Nicole Rhodes, Esquire 21 University of Pittsburgh 22 23 Emily Hoecker, Paralegal 24 ACLU of Pennsylvania 25</p>
<p style="text-align: right;">3</p> <p style="text-align: center;">INDEX</p> <p>1 2 3 4 EXAMINATION BY MX. WORLDS - PAGE 4 5 6 7 TUSCANO EXHIBITS INTRODUCED: 8 1 - PAGE 17 9 2 - PAGE 32 10 3 - PAGE 34 11 4 - PAGE 51 12 5 - PAGE 51 13 6 - PAGE 57 14 7 - PAGE 73 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 WHEREUPON, JENNIFER TUSCANO, of 2 lawful age, being by me first duly 3 sworn to testify the truth, the 4 whole truth, and nothing but the 5 truth, as hereinafter certified, 6 deposes and says as follows: 7 EXAMINATION: 8 BY MX. WORLDS 9 Q. Hello, Ms. Tuscano. Just before we 10 really get into things, I'll just do an 11 introduction. My name is Solomon Furious 12 Worlds, they/them pronouns. I'm an 13 attorney here at the ACLU of Pennsylvania. 14 I'm an attorney specifically representing 15 Students for Justice in Palestine at Pitt 16 in the lawsuit against the University of 17 Pennsylvania. Are you familiar with the 18 lawsuit that's going on between them? 19 A. I am. 20 Q. Okay, excellent. Have you ever 21 been deposed before? 22 A. I have. 23 Q. Okay. How many times? 24 A. One. 25 Q. What was the occasion?</p>

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<p style="text-align: right;">5</p> <p>1 A. Termination of an employee. 2 Q. That doesn't sound like it was a 3 fun occasion. 4 A. It was not. 5 Q. Well, I'm going to go through the 6 ground rules again. You may have heard 7 these before, especially if you've been 8 through a deposition, but I think this 9 would be helpful. 10 MX. WORLDS: Before I go through 11 those ground rules, actually, Sandy, just 12 to be sure, did you want to stipulate again 13 to the same? 14 MR. BILUS: Yeah, we would like 15 to read and sign, and we can stipulate that 16 all objections are reserved except for as 17 to form, just like last time. Thank you. 18 MX. WORLDS: Yeah, of course. 19 Just wanted to get that done. 20 Q. (BY MX. WORLDS) So some ground 21 rules, only one person should speak at a 22 time. We'll do our best, everyone, we'll 23 all do our best to maintain that rule. All 24 answers must be verbal. And you should ask 25 for clarification if you don't understand a</p>	<p style="text-align: right;">6</p> <p>1 question I ask you. If you answer, I'll 2 just assume that you understand, but always 3 feel free to ask for clarification. And to 4 that end, if you later realize that you 5 misspoke or maybe you remember something 6 new or that you misremembered before, 7 always feel free to correct it. It's 8 always better to correct it here and now 9 versus needing to correct it later. 10 Sandy, your attorney, is present. I know 11 Nikki is also present. I'm not sure 12 exactly Mary's role, but she said Sandy's 13 name, so I assume she's also part of the 14 team there. You can request a break at any 15 time except for when I have already asked a 16 question and am waiting for an answer. And 17 you must answer all questions truthfully 18 and to the best of your ability. 19 Do you understand all those rules as I've 20 laid them out? 21 A. I do. 22 Q. Excellent. And are you taking any 23 medications or on any substances or have 24 any sort of conditions that may prevent you 25 from answering truthfully today?</p>
<p style="text-align: right;">7</p> <p>1 A. No. 2 Q. Okay, excellent. And I believe you 3 said you're at home? 4 A. I am. 5 Q. With a struggling AC system? 6 A. Clarify, with no AC system. 7 Q. I'm sorry, okay. Excuse me, excuse 8 me. I wouldn't want to oversell it. Well, 9 if you need a break for water or ice or 10 just a cold rag, please let us know. All 11 right. Is anyone else in the room with 12 you? 13 A. No. 14 Q. No, okay. And then do you have 15 your cell phone near you? 16 A. I do. 17 Q. Would it be possible for you to 18 just kind of move it a little bit away from 19 you? 20 A. Sure. 21 Q. Of course if an emergency comes up 22 -- 23 A. Yep. 24 Q. Thanks. And do you have any other 25 computers, laptops, tablets around you,</p>	<p style="text-align: right;">8</p> <p>1 other communication devices like that? 2 A. No. 3 Q. No, okay. Let's begin then. So 4 did you do anything to prepare for this 5 deposition? 6 A. No. 7 Q. I saw you move closer to the 8 screen. Are you having trouble hearing me 9 at all? 10 A. I did on that one, Solomon, yeah. 11 Q. Okay, let me -- give me one second 12 to make sure I'm not muting myself and 13 using the correct microphone. Is this 14 better? 15 A. No. 16 Q. Is it worse? 17 A. Yes. 18 Q. Okay. Then I'll speak up a little 19 bit and move a little closer to my laptop. 20 A. Okay. 21 Q. I'll ask that question again. I'm 22 sorry, I got a little distracted. Did you 23 do anything to prepare for this deposition? 24 A. Only my meeting with Sandy and the 25 team yesterday.</p>

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<p style="text-align: right;">9</p> <p>1 Q. And when you say the team, do you</p> <p>2 mean the legal team?</p> <p>3 A. Correct.</p> <p>4 Q. And about how long was that</p> <p>5 meeting?</p> <p>6 A. An hour and a half.</p> <p>7 Q. Hour and a half, okay. During that</p> <p>8 meeting -- and now I'm going to be very</p> <p>9 careful here the way I phrase this question</p> <p>10 because I don't want to get into any</p> <p>11 privileged information -- but during that</p> <p>12 meeting did counsel go into great detail as</p> <p>13 to how you are to answer questions?</p> <p>14 A. No.</p> <p>15 MX. WORLDS: Sandy, I see your</p> <p>16 face, yeah.</p> <p>17 MR. BILUS: Yeah, let's try and</p> <p>18 stay away from content.</p> <p>19 MX. WORLDS: I'll try, yeah.</p> <p>20 MR. BILUS: I'll note an</p> <p>21 objection there, but, you know, she's</p> <p>22 already answered. But, yeah, go ahead.</p> <p>23 MX. WORLDS: Absolutely. I</p> <p>24 wasn't going to probe too deep there. I</p> <p>25 wasn't trying to get too much of the</p>	<p style="text-align: right;">10</p> <p>1 content either.</p> <p>2 MR. BILUS: Okay.</p> <p>3 Q. (BY MX. WORLDS) Okay. Ms.</p> <p>4 Tuscano, would you prefer that I refer to</p> <p>5 you as Ms. Tuscano, Jen, Jenny from the</p> <p>6 Block, I'm not sure what's --</p> <p>7 A. Jen is good.</p> <p>8 Q. Jen is good, excellent. Could you</p> <p>9 tell me a little bit about your higher</p> <p>10 education, kind of post high school,</p> <p>11 specifically what schools you went to and</p> <p>12 the like?</p> <p>13 A. I attended the University of</p> <p>14 Pittsburgh at Johnstown, obtained my</p> <p>15 undergraduate degree, and then attended the</p> <p>16 Indiana University of Pennsylvania to</p> <p>17 obtain a Master's degree.</p> <p>18 Q. And what is your current role at</p> <p>19 Pitt?</p> <p>20 A. I am the Executive Associate</p> <p>21 Athletic Director and Senior Women's</p> <p>22 Administrator.</p> <p>23 Q. Is that the highest position you've</p> <p>24 held within the Pitt administration?</p> <p>25 A. No.</p>
<p style="text-align: right;">11</p> <p>1 Q. No. What other positions kind of</p> <p>2 in that realm, Pitt administration, have</p> <p>3 you held?</p> <p>4 A. I served as the Interim Athletic</p> <p>5 Director in the fall.</p> <p>6 Q. In any of -- have you ever, excuse</p> <p>7 me, have you served in any other kind of</p> <p>8 administrative roles within the University?</p> <p>9 A. No.</p> <p>10 Q. I'd say kind of like at the Dean</p> <p>11 level or higher? Just those two?</p> <p>12 A. Correct, yep.</p> <p>13 Q. During your time as the Interim</p> <p>14 Athletic Director or during your time now</p> <p>15 in your current role in the upper</p> <p>16 administration, could you tell me a little</p> <p>17 bit about your job responsibilities?</p> <p>18 A. Actively work with members of our</p> <p>19 Athletic Department to provide resources</p> <p>20 and opportunities for student athletes and</p> <p>21 coaches.</p> <p>22 Q. Is that specific to the Athletics</p> <p>23 Department; it doesn't go any further than</p> <p>24 that?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">12</p> <p>1 Q. All right. Is there a disciplinary</p> <p>2 process within the Athletics Department</p> <p>3 specifically?</p> <p>4 A. Can you clarify?</p> <p>5 Q. Absolutely. I know from my own</p> <p>6 personal experience in working with</p> <p>7 students across the Commonwealth that at</p> <p>8 some schools there will be a disciplinary</p> <p>9 process for the School of Law and then the</p> <p>10 College of Liberal Arts and then the</p> <p>11 Engineering School. Sometimes they'll have</p> <p>12 different disciplinary processes. I'm not</p> <p>13 sure if that's the case at Pitt. Does the</p> <p>14 Athletics Department perhaps have its own</p> <p>15 separate from the main campus disciplinary</p> <p>16 process?</p> <p>17 A. Our student athletes participate in</p> <p>18 the general student conduct process for any</p> <p>19 violations that may or may not occur on</p> <p>20 campus.</p> <p>21 Q. That makes sense. And of course</p> <p>22 athletics isn't a school in the same way as</p> <p>23 a College of Engineering, and so that</p> <p>24 tracks. What is your general experience</p> <p>25 with the disciplinary processes at Pitt?</p>

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<p style="text-align: right;">13</p> <p>1 Student disciplinary processes, excuse me?</p> <p>2 A. I've served on the Level II Student</p> <p>3 Conduct Hearing Board for about 18 months.</p> <p>4 Q. Eighteen, okay, 18 months. So when</p> <p>5 you say you've served on the board for</p> <p>6 about 18 months, to me, what I'm hearing is</p> <p>7 like there's a general body perhaps that</p> <p>8 maybe sits and it sounds like you sit for a</p> <p>9 term; is that correct?</p> <p>10 A. Yeah, I -- there's no defined term</p> <p>11 to my knowledge, Solomon.</p> <p>12 Q. Okay. Could you tell me about how</p> <p>13 you got on the board?</p> <p>14 A. I was approached by Matt Landy and</p> <p>15 asked if I'd be willing to serve on the</p> <p>16 board.</p> <p>17 Q. Did Landy tell you why you were</p> <p>18 approached?</p> <p>19 A. Not that I remember.</p> <p>20 Q. Not that, I'm not thinking there's</p> <p>21 any conspiracy or anything; it just, it</p> <p>22 sounds like a secret society, you get</p> <p>23 tapped and then you get approached. I</p> <p>24 think there's something kind of cool about</p> <p>25 that. Is it just part of, because of your</p>	<p style="text-align: right;">14</p> <p>1 role in Athletics, or is it because of how</p> <p>2 long you've been at Pitt; do you have any</p> <p>3 reason why?</p> <p>4 A. I don't have any reason why.</p> <p>5 Q. Okay, cool. Is this the first time</p> <p>6 then that you've been on an 18-month stint</p> <p>7 with the board?</p> <p>8 A. Correct.</p> <p>9 Q. And you said there aren't set</p> <p>10 terms, which makes me think that your stint</p> <p>11 on the disciplinary board is maybe done?</p> <p>12 A. No, I'm still an active member.</p> <p>13 Q. You're still an active member,</p> <p>14 okay.</p> <p>15 A. Yep.</p> <p>16 Q. It's just been 18 months since you</p> <p>17 started?</p> <p>18 A. Sure, yep.</p> <p>19 Q. Got it, thank you.</p> <p>20 A. Correct.</p> <p>21 Q. How familiar are you then with</p> <p>22 student conduct in disciplinary matters?</p> <p>23 A. I would say somewhat familiar.</p> <p>24 Q. This is the first kind of time</p> <p>25 you've been -- you've served in this</p>
<p style="text-align: right;">15</p> <p>1 capacity?</p> <p>2 A. Yes.</p> <p>3 Q. How many disciplinary boards have</p> <p>4 you been on?</p> <p>5 A. I don't know the exact number.</p> <p>6 Q. Could you give me an estimate?</p> <p>7 A. Less than five.</p> <p>8 Q. Okay, less than five, okay. Okay.</p> <p>9 More than three?</p> <p>10 A. I don't believe.</p> <p>11 Q. So it sounds like even though</p> <p>12 you've been on the board for 18 months, you</p> <p>13 haven't been called on to kind of, to</p> <p>14 active duty, if you will, many times?</p> <p>15 A. Correct.</p> <p>16 Q. Less than three times you've been</p> <p>17 called up to be on what I, if I'm</p> <p>18 understanding the verbiage correctly, an</p> <p>19 individual panel for a specific</p> <p>20 disciplinary instance?</p> <p>21 A. Correct.</p> <p>22 Q. So there's a larger board, but then</p> <p>23 individual panelists will sit on individual</p> <p>24 disciplinary matters?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">16</p> <p>1 Q. Okay. Do you know how many people</p> <p>2 are on the larger board?</p> <p>3 A. I don't know.</p> <p>4 Q. You said you've served on</p> <p>5 disciplinary panels less than three times,</p> <p>6 so either two or one. Do you -- were both</p> <p>7 instances regarding student organizations</p> <p>8 or individuals?</p> <p>9 A. I don't remember both of them. One</p> <p>10 of them was regarding individuals and was</p> <p>11 not a student organization.</p> <p>12 Q. Without revealing any, you know,</p> <p>13 personal identifying information with</p> <p>14 regards to that situation, could you tell</p> <p>15 me a little bit about the disciplinary</p> <p>16 conduct I guess alleged? Not necessarily</p> <p>17 the facts related to it, but merely the,</p> <p>18 maybe the charges -- excuse me, there we go</p> <p>19 -- can you tell me about the charges that</p> <p>20 were brought against that individual?</p> <p>21 A. I don't remember the charges.</p> <p>22 Q. Okay, thank you. One last</p> <p>23 question. Members of this board who then</p> <p>24 go on individual panels, do they serve for</p> <p>25 disciplinary and academic infractions, or</p>

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<p style="text-align: right;">17</p> <p>1 only disciplinary?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. I said that was the last</p> <p>4 question of the board. I'm going to stop</p> <p>5 saying last question because I think I'll</p> <p>6 just keep lying to you. Is there any</p> <p>7 hierarchy on that board?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. Not to your knowledge, okay. All</p> <p>10 right.</p> <p>11 Kirsten, could you please bring up the</p> <p>12 first document, the email to Jennifer from</p> <p>13 Landy?</p> <p>14 Mary, I am -- could you please mark this</p> <p>15 document once we bring it up. And, Sandy,</p> <p>16 just so you know, this is</p> <p>17 UPITT 1777.</p> <p>18 MR. BILUS: Thank you.</p> <p>19 MS. HANLON: Can you see the</p> <p>20 screen? Oh. Now can you see the screen?</p> <p>21 MX. WORLDS: Now it's coming up,</p> <p>22 yeah.</p> <p>23 MS. HANLON: And, Sandy, can you</p> <p>24 see the file in the Dropbox, too?</p> <p>25 MR. BILUS: I'm checking. Yes,</p>	<p style="text-align: right;">18</p> <p>1 thank you.</p> <p>2 Q. (BY MX. WORLDS) Jen, are you able</p> <p>3 to read this document or would you like us</p> <p>4 to maybe zoom in some?</p> <p>5 A. I can read it.</p> <p>6 Q. Okay. Wonderful eyes, good. Do</p> <p>7 you recognize this document?</p> <p>8 A. I do.</p> <p>9 Q. Could you describe what it is?</p> <p>10 A. An email from Matt Landy confirming</p> <p>11 training, and then if I had any previous</p> <p>12 involvement with the SJP student</p> <p>13 organization.</p> <p>14 Q. Excellent. And am I to understand</p> <p>15 from the content of this email that you had</p> <p>16 no prior involvement with SJP?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. And that would, excuse me, and that</p> <p>19 would be involvement prior to the February</p> <p>20 4 disciplinary hearing; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Yeah, because this email is dated</p> <p>23 February 2. The training that Mr. Landy is</p> <p>24 referring to, what is that training?</p> <p>25 A. Implicit bias training.</p>
<p style="text-align: right;">19</p> <p>1 Q. Implicit bias training. Okay, is</p> <p>2 that standard for all faculty members or is</p> <p>3 that, was that related to the Conduct</p> <p>4 Board?</p> <p>5 A. I don't know.</p> <p>6 Q. You don't know. When did you take</p> <p>7 this implicit bias training?</p> <p>8 A. I don't remember. We -- it's</p> <p>9 annual, an annual training for athletics,</p> <p>10 but I don't remember --</p> <p>11 Q. I see.</p> <p>12 A. -- the date.</p> <p>13 Q. Thank you.</p> <p>14 And, Mary, I'm sorry, I keep speaking.</p> <p>15 My</p> <p>16 active listening skills are biting me in</p> <p>17 the butt right now. I will do my best to</p> <p>18 not talk at the same time as Jen.</p> <p>19 And thank you for that clarification,</p> <p>20 Jen.</p> <p>21 So this training was about implicit bias,</p> <p>22 not about any sort of specific training</p> <p>23 pursuant to being on the Conduct Board?</p> <p>24 A. Correct.</p> <p>25 Q. Did you get any training when you</p>	<p style="text-align: right;">20</p> <p>1 joined the Conduct Board?</p> <p>2 A. I did.</p> <p>3 Q. You did. What was that training</p> <p>4 like?</p> <p>5 A. Matt Landy reviewed policies and</p> <p>6 procedures as a member of the board,</p> <p>7 Hearing Board.</p> <p>8 Q. Which policies and procedures?</p> <p>9 There's lot of policies and procedures.</p> <p>10 A. I don't remember.</p> <p>11 Q. Yeah, that's -- there's a lot of</p> <p>12 policies and procedures. Was it perhaps</p> <p>13 the Student Code of Conduct, or was that</p> <p>14 included?</p> <p>15 A. I don't remember.</p> <p>16 Q. You don't remember. Do you</p> <p>17 remember how the University -- excuse me --</p> <p>18 how Landy represented that the University</p> <p>19 interprets its code?</p> <p>20 A. Can you clarify?</p> <p>21 Q. Yes, I can. I'm guessing that part</p> <p>22 of what was described in this training was</p> <p>23 the Student Code of Conduct because that</p> <p>24 seems to be the main code with regards to</p> <p>25 disciplinary matters. You'd agree it's the</p>

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<p style="text-align: right;">21</p> <p>1 main code; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. Yeah, it's got the policy and the</p> <p>4 procedure in there. It has the various</p> <p>5 substantive rules that students must</p> <p>6 follow, if that makes sense. I'm curious to</p> <p>7 know if Landy described how the school goes</p> <p>8 about charging students for alleged</p> <p>9 infractions?</p> <p>10 A. I don't remember.</p> <p>11 Q. You don't remember. Do you know if</p> <p>12 Landy talked about the charging process at</p> <p>13 all?</p> <p>14 A. I don't remember, I'm sorry,</p> <p>15 Solomon.</p> <p>16 Q. No, that's okay. And feel -- do</p> <p>17 not worry. Feel free to keep saying you</p> <p>18 don't remember. I'm going to probably ask</p> <p>19 you some other questions, too, to be frank,</p> <p>20 I wouldn't remember either. I totally get</p> <p>21 it.</p> <p>22 In regards to the training, we both</p> <p>23 assume, without actually knowing, that the</p> <p>24 Code of Conduct was likely involved given</p> <p>25 the topic. Do you think that -- excuse me,</p>	<p style="text-align: right;">22</p> <p>1 not do you think -- do you recall if anyone</p> <p>2 at any point talked about differences in</p> <p>3 how the code is interpreted for individuals</p> <p>4 versus student organizations?</p> <p>5 A. No, I don't remember.</p> <p>6 Q. Okay. Let's talk more specifically</p> <p>7 about SJP Pitt's February 4 disciplinary</p> <p>8 hearing.</p> <p>9 Kirsten, we can take this down now. Thank</p> <p>10 you. So when I say SJP, do you know who I'm</p> <p>11 talking about?</p> <p>12 A. I do.</p> <p>13 Q. Excellent. So for purposes of the</p> <p>14 rest of today, we, I can say SJP and that</p> <p>15 means Students for Justice in Palestine at</p> <p>16 Pitt?</p> <p>17 A. Yes.</p> <p>18 Q. Excellent, thank you. You are</p> <p>19 familiar with the February 4 disciplinary</p> <p>20 proceedings, I assume?</p> <p>21 A. Yes.</p> <p>22 Q. Excellent. How were you selected</p> <p>23 for that particular panel?</p> <p>24 A. I don't know. I provided my</p> <p>25 availability.</p>
<p style="text-align: right;">23</p> <p>1 Q. I see. So it seems like selection</p> <p>2 for individual panels is based largely on</p> <p>3 availability of the board members?</p> <p>4 A. I don't know.</p> <p>5 Q. You think? Yeah, you don't know?</p> <p>6 A. Right.</p> <p>7 Q. You don't know. That's fair,</p> <p>8 that's fair.</p> <p>9 A. Yep.</p> <p>10 Q. Before you were on the panel, you</p> <p>11 said that you had undergone implicit bias</p> <p>12 training, per the last email we saw?</p> <p>13 A. Yes, correct.</p> <p>14 Q. Did they ask you questions about</p> <p>15 any biases you may have with regards to the</p> <p>16 student organization before you served on</p> <p>17 this individual panel?</p> <p>18 A. Yes.</p> <p>19 Q. Did they ask you those same kind of</p> <p>20 bias questions before you served on the</p> <p>21 other panel that you were on?</p> <p>22 A. I don't remember.</p> <p>23 Q. You don't remember. Do you</p> <p>24 remember any of the bias questions?</p> <p>25 A. No.</p>	<p style="text-align: right;">24</p> <p>1 Q. No. Do you remember how you felt</p> <p>2 while you were answering those bias</p> <p>3 questions?</p> <p>4 A. No, no feeling, just answered the</p> <p>5 questions.</p> <p>6 Q. Okay. Sometimes you can get a</p> <p>7 survey or a list of questions or have a</p> <p>8 phone call with questions in it and you can</p> <p>9 feel maybe like these questions are pretty</p> <p>10 pedestrian, they seem pretty typical; or</p> <p>11 perhaps they seem more tailored, they seem</p> <p>12 more specific. Do you recall having any</p> <p>13 impressions of any kind when you heard</p> <p>14 them?</p> <p>15 A. Yeah, no impression either way.</p> <p>16 Q. No impression. Excellent. What</p> <p>17 was your role in the disciplinary</p> <p>18 proceedings?</p> <p>19 A. Hearing Officer.</p> <p>20 Q. Hearing Officer. How would you</p> <p>21 describe the role of a Hearing Officer?</p> <p>22 How would you describe the role?</p> <p>23 A. Listen to both sides during the</p> <p>24 hearing process. Ask questions or</p> <p>25 clarifications.</p>

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<p style="text-align: right;">25</p> <p>1 Q. When you were on the -- when you 2 got the role -- not when you got the role. 3 As, in your role as a Hearing Officer, was 4 there ever a time when someone kind of 5 described to you what you were -- was there 6 ever a time when someone described to you 7 what you should be doing as a Hearing 8 Officer? 9 MR. BILUS: Object to form. 10 A. No. 11 MR. BILUS: Sorry. I just, 12 Mary, did you hear my objection? 13 THE COURT REPORTER: Yes. 14 MR. BILUS: Thank you. 15 Q. Got it. And thank you both for 16 that. You were never told -- could you 17 describe the expectations that, the 18 expectations for Hearing Officers? 19 A. To fairly listen to both sides. 20 Q. You said you would ask questions, 21 clarifying questions. Were you also or at 22 any point did those questions diverge into 23 more perhaps investigative? 24 A. In this particular hearing, I don't 25 recall asking any questions.</p>	<p style="text-align: right;">26</p> <p>1 Q. Okay. Why didn't you ask any 2 questions? 3 A. I didn't -- I didn't have any 4 questions based on information that had 5 been shared. 6 Q. Okay, makes sense, makes sense. 7 You felt like both sides then pretty 8 adequately presented their arguments? 9 MR. BILUS: Objection to form. 10 A. Correct. 11 Q. Did you believe that both sides 12 were adequately -- did you believe both 13 sides, excuse me, adequately fleshed out 14 their arguments? 15 MR. BILUS: Object to the form. 16 You can answer. 17 A. I believe they presented the 18 information that both sides had. 19 MX. WORLDS: Good objection, 20 Sandy, thank you. I'm learning. 21 Q. (BY MX. WORLDS) All right. Have 22 you had any interactions with SJP since the 23 February 4 disciplinary hearing? 24 A. Can you define interaction? 25 Q. Yes, I can.</p>
<p style="text-align: right;">27</p> <p>1 A. Thank you. 2 Q. Have you yourself had any -- have 3 you yourself communicated with them, as 4 opposed to them communicating with you or 5 you reading about something in the news, 6 but have you either in written, verbal, 7 through carrier pigeon, communicated with 8 the officers of SJP? 9 A. No. 10 Q. Before the hearing, how did you 11 prepare for your role? 12 A. I didn't do anything. 13 Q. Yeah. I was pretty sure, I was 14 pretty sure that was the answer. Earlier 15 you said you don't recall much from the 16 first disciplinary panel you sat on; is 17 that correct? 18 A. Correct. 19 Q. Though you don't recall much, do 20 you recall there being any major 21 differences in the way the processes worked 22 between that first panel and then the SJP 23 panel? 24 A. No. 25 Q. No. Do you recall anything unusual</p>	<p style="text-align: right;">28</p> <p>1 happening during the SJP procedures? 2 Proceedings, excuse me? 3 A. No. 4 Q. Anything inappropriate? 5 A. Can you define inappropriate? 6 Q. How would you define inappropriate? 7 A. Nothing out of the ordinary that I 8 can recall, Solomon. 9 Q. I'm asking you of course because 10 it's, to me, it's really about your 11 impression. 12 A. Sure. 13 Q. I think inappropriate, much like 14 beauty, is in the eye of the beholder. So 15 did you recall, did you think that anyone 16 was unfair about how the process went 17 about? 18 A. No. 19 Q. How long would you say that 20 February 4 hearing was? 21 A. Long. I don't recall a definitive 22 timeline, Solomon, without looking back at 23 my calendar. 24 Q. Makes sense. It feels like 25 whenever you're in those kinds of</p>

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8 (Pages 29 to 32)

<p style="text-align: right;">29</p> <p>1 disciplinary proceedings, it just becomes a</p> <p>2 void. Any, did you receive any specific</p> <p>3 instructions as to what to do, rather, how</p> <p>4 to, how to weigh the evidence?</p> <p>5 A. Not that I remember.</p> <p>6 Q. And I believe you already answered</p> <p>7 this, but any specific trainings for this</p> <p>8 panel?</p> <p>9 A. No.</p> <p>10 Q. Okay, Kirsten, could you please</p> <p>11 open up the document that we'll now mark as</p> <p>12 Tuscano 2.</p> <p>13 Sandy, it's 14054 through -57. I believe</p> <p>14 this is the document you sent us last</p> <p>15 night; is that correct, Sandy?</p> <p>16 MR. BILUS: I'll have to look at</p> <p>17 it once it comes up on the screen.</p> <p>18 Q. I think it's, yeah, well, once it</p> <p>19 comes up on screen, we'll talk about it.</p> <p>20 MR. BILUS: Looks like it.</p> <p>21 Q. Yeah. Jen, can you see this</p> <p>22 document?</p> <p>23 A. I can.</p> <p>24 Q. And do you recognize it?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">30</p> <p>1 Q. Excellent. What is this document?</p> <p>2 A. Those are my notes from the Conduct</p> <p>3 Hearing.</p> <p>4 Q. And this document, you said they're</p> <p>5 your notes, so you drafted them?</p> <p>6 A. Correct.</p> <p>7 Q. When did you draft them?</p> <p>8 A. During the Conduct Hearing.</p> <p>9 Q. Okay. The handwritten portion at</p> <p>10 the top right, did you also draft that?</p> <p>11 A. I did, yes.</p> <p>12 Q. Do you believe these notes are</p> <p>13 accurate?</p> <p>14 A. Yes.</p> <p>15 MR. BILUS: Objection to form.</p> <p>16 Q. When did you write the handwritten</p> <p>17 portion of it in the top right?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you believe it would have been</p> <p>20 the same day?</p> <p>21 A. Yes.</p> <p>22 Q. Would you like to -- actually I'd</p> <p>23 like to give you an opportunity to read</p> <p>24 through this document and then I actually</p> <p>25 have some questions about the document.</p>
<p style="text-align: right;">31</p> <p>1 Would you like us to zoom in on it so you</p> <p>2 can read it better?</p> <p>3 A. Please.</p> <p>4 Q. Excellent. Kirsten, could you</p> <p>5 please?</p> <p>6 Jen, feel free to ask Kirsten to scroll as</p> <p>7 you're ready.</p> <p>8 A. Okay. Kirsten, you can scroll on</p> <p>9 that, "Can you explain the cadence."</p> <p>10 Kirsten, you can scroll again, please. You</p> <p>11 can scroll again, please, Kirsten. I'm</p> <p>12 ready, Kirsten, to scroll again. You can</p> <p>13 scroll again.</p> <p>14 Good. Complete.</p> <p>15 Q. Thank you. Sorry to do this, but,</p> <p>16 Kirsten, could you please bring up unmarked</p> <p>17 Exhibits, Conduct Board Recommendation</p> <p>18 Form.</p> <p>19 Sandy, I believe you should also have</p> <p>20 access to that in the Dropbox.</p> <p>21 And, Mary, I believe this should be</p> <p>22 Tuscano 3 once we complete and mark things.</p> <p>23 Thank you.</p> <p>24 I'm going to bounce back and forth between</p> <p>25 both of these documents and ask you</p>	<p style="text-align: right;">32</p> <p>1 questions. So this document is a little bit</p> <p>2 longer, sorry. If you could also read this</p> <p>3 one over, that would be great. Thank you.</p> <p>4 A. You can scroll, Kirsten. You can</p> <p>5 scroll. You can scroll. You can scroll</p> <p>6 for me. You can scroll. You can scroll.</p> <p>7 You can scroll, Kirsten. You can scroll.</p> <p>8 I've completed reading this page, too,</p> <p>9 Solomon.</p> <p>10 Q. Thank you, Jen.</p> <p>11 A. Yep.</p> <p>12 Q. Let's go back to your notes.</p> <p>13 A. Okay.</p> <p>14 Q. Which, Mary, I'm not sure if I</p> <p>15 asked to mark this as Tuscano 2, but just</p> <p>16 in case I hadn't.</p> <p>17 The handwritten portion on the first page</p> <p>18 in the top right, towards the bottom of</p> <p>19 that handwritten portion I read something</p> <p>20 that says, "Why is there a conduct</p> <p>21 violation." Do you see that?</p> <p>22 Kirsten, could you highlight that?</p> <p>23 A. Yeah, oh, yep, gotcha.</p> <p>24 Q. What did you mean when you wrote</p> <p>25 that?</p>

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9 (Pages 33 to 36)

<p style="text-align: right;">33</p> <p>1 A. That I didn't believe that the 2 complainant provided sufficient evidence or 3 information for me to determine whether a 4 conduct violation actually occurred. 5 Q. Who -- 6 A. I'm sorry, say it again? 7 Q. I'm sorry, I think when I moved my 8 papers it might have clogged my mic. I 9 asked, who is the complainant? 10 A. David and DaVaughn. 11 Q. David Day? David's last name I 12 believe is Day; correct, D-A-Y? 13 A. I believe so. 14 Q. I believe we're talking about the 15 same person, I just want to make sure. 16 Give me one moment, please. 17 I believe we are talking about the same 18 person, but for now we'll just keep 19 referring to this individual as David. 20 A. Okay. 21 Q. David and DaVaughn were the 22 complainants, and were they representing 23 themselves as the complainants, they as 24 individuals were complainants or -- 25 A. I don't know.</p>	<p style="text-align: right;">34</p> <p>1 Q. So it's unclear as to whether or 2 not David and DaVaughn were in fact 3 representing an office or the University or 4 themselves? 5 A. No, it was clear they were 6 representative of the offices outlined in 7 the other document. Sorry, I don't know the 8 -- how you're phrasing them or categorizing 9 them, but the second document that you 10 asked me to read, they were representing 11 those two offices. 12 Q. Kirsten, could you please move to 13 the Conduct Recommendation, or the Conduct 14 Board Recommendation. Thank you. Could 15 you scroll to the top, please. 16 Now, you said that it was clear that they 17 were representing which office now? 18 A. Student Involvement and Student 19 Organizations and Advising. 20 Q. I'm reading this testimony that was 21 just highlighted that's on this, that's on 22 Tuscano 3, is what we're calling it, the 23 Recommendation Form, and I believe I see it 24 says the complainant in this case is 25 University of Pittsburgh. Do you think</p>
<p style="text-align: right;">35</p> <p>1 it's possible that David Day and DaVaughn 2 were representing the University of 3 Pittsburgh in this matter? 4 MR. BILUS: Objection to the 5 form. 6 Q. You can still answer. 7 A. I'm sorry, Solomon? 8 Q. I said you can still answer. 9 A. Yes. 10 Q. Thank you. Let's go back to the 11 prior document, 12 Kirsten. Thank you. Okay, so as you said 13 earlier, you wrote, 14 "Why is there a conduct violation" on your 15 notes, you hand-wrote that because you 16 didn't think that the complainant, the 17 University of Pittsburgh, had presented 18 sufficient information to prosecute its 19 case basically? 20 A. Correct. 21 MR. BILUS: Object to the form. 22 Go ahead. 23 A. Yes. 24 Q. Thank you. What information did 25 DaVaughn and David Day present?</p>	<p style="text-align: right;">36</p> <p>1 A. Can you clarify? 2 Q. Yes. In what ways did you believe 3 that the information was -- strike that. 4 We'll move on. 5 In the presentations between SJP and the 6 University of Pittsburgh during the 7 February 4 hearing, were there important 8 factual differences? 9 MR. BILUS: Object to form. 10 MX. WORLDS: Could you specify, 11 Sandy? 12 MR. BILUS: Sorry? 13 MX. WORLDS: Will you specify? 14 MR. BILUS: Vague. Ambiguous. 15 Q. (BY MX. WORLDS) When the 16 University of Pittsburgh presented its 17 recitation of the facts -- excuse me. 18 During the February 4 hearing, did the 19 University of Pittsburgh present factual 20 evidence? Did it present its side of the 21 story? 22 A. Yes. 23 Q. Did SJP present its side of the 24 story? 25 A. Yes.</p>

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<p style="text-align: right;">37</p> <p>1 Q. Were there differences between both</p> <p>2 sides of the story?</p> <p>3 A. Yes.</p> <p>4 Q. What were those differences?</p> <p>5 A. The event or lack thereof event and</p> <p>6 the perception based on both sides, how</p> <p>7 they viewed it.</p> <p>8 Q. It's my understanding from your</p> <p>9 notes that there wasn't clarity as to what</p> <p>10 an event was; is that correct?</p> <p>11 A. Correct.</p> <p>12 MR. BILUS: Objection to form.</p> <p>13 Go ahead.</p> <p>14 Q. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Per your reading of your notes?</p> <p>17 A. Yes.</p> <p>18 Q. And is that what you recall from</p> <p>19 your own recollection?</p> <p>20 A. That is what I recall.</p> <p>21 Q. Did SJP present arguments during</p> <p>22 the hearing? Did it argue on its own behalf</p> <p>23 that it didn't -- you know, anything, did</p> <p>24 it argue on its own behalf with regard to</p> <p>25 its own side of the story?</p>	<p style="text-align: right;">38</p> <p>1 A. Yes.</p> <p>2 Q. Yes. Did it argue why it should</p> <p>3 not be found responsible for the charges</p> <p>4 against it?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember those arguments?</p> <p>7 A. They believed that what occurred in</p> <p>8 the library was not defined as an event or</p> <p>9 that it violated library policy.</p> <p>10 Q. Did SJP mention that they felt</p> <p>11 targeted by Pitt?</p> <p>12 A. Yes.</p> <p>13 Q. Did they say that they felt</p> <p>14 targeted based on their political views?</p> <p>15 A. I don't remember.</p> <p>16 Q. Did SJP ever mention an</p> <p>17 organization called Betar USA?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you remember SJP bringing up</p> <p>20 anything about a bomb threat against the</p> <p>21 organization?</p> <p>22 A. I don't remember.</p> <p>23 Q. Okay. Did SJP argue that Pitt was</p> <p>24 overly surveilling them?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">39</p> <p>1 Q. Did SJP argue that the policies</p> <p>2 were perhaps inconsistent as applied to</p> <p>3 them?</p> <p>4 A. Yes.</p> <p>5 Q. Did SJP argue that the policies</p> <p>6 were vague or perhaps hard to understand?</p> <p>7 A. I don't remember.</p> <p>8 Q. Did SJP argue that the hearing and</p> <p>9 charges set a dangerous precedent for free</p> <p>10 speech?</p> <p>11 A. Yes.</p> <p>12 Q. Did SJP ask you to find them not</p> <p>13 responsible for the charges?</p> <p>14 A. Yes.</p> <p>15 Q. Did they ask you to dismiss the</p> <p>16 charges?</p> <p>17 A. I don't remember.</p> <p>18 Q. Were there any instructions to SJP</p> <p>19 after the hearing from the University? Do</p> <p>20 you recall any instructions to SJP after</p> <p>21 the hearing?</p> <p>22 A. I don't recall.</p> <p>23 Q. You don't recall. I suppose I know</p> <p>24 the answer here. I initially asked from</p> <p>25 Pitt, but did the panel give them any</p>	<p style="text-align: right;">40</p> <p>1 specific instructions?</p> <p>2 A. No.</p> <p>3 Q. Do you recall -- I guess this, I</p> <p>4 also know the answer to this -- do you</p> <p>5 recall whether anyone specifically</p> <p>6 communicated to SJP that they were not to</p> <p>7 communicate with the panel?</p> <p>8 A. I don't know.</p> <p>9 Q. You don't -- I'm going to re-ask</p> <p>10 that question. I'm going to see if I can --</p> <p>11 did anyone -- excuse me. You don't recall</p> <p>12 or are you -- you don't recall whether</p> <p>13 someone gave SJP that instruction, or are</p> <p>14 you saying no one gave SJP that</p> <p>15 instruction?</p> <p>16 A. I --</p> <p>17 MR. BILUS: Object to the form.</p> <p>18 Go ahead.</p> <p>19 A. I don't know.</p> <p>20 Q. Remember?</p> <p>21 MR. BILUS: Objection to form.</p> <p>22 THE COURT REPORTER: Excuse me,</p> <p>23 I'm not sure I heard that question. I just</p> <p>24 heard, "Remember."</p> <p>25 MX. WORLDS: I asked, "You don't</p>

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11 (Pages 41 to 44)

<p style="text-align: right;">41</p> <p>1 remember?" But I will ask again.</p> <p>2 THE COURT REPORTER: And then</p> <p>3 there was an objection. Okay, thank you.</p> <p>4 Q. (BY MX. WORLDS) Was SJP instructed</p> <p>5 not to communicate with panelists?</p> <p>6 A. I don't know.</p> <p>7 Q. You don't know. Thank you. Sorry</p> <p>8 for that confusion. Did the panelists</p> <p>9 receive any instructions from the</p> <p>10 University after the hearing?</p> <p>11 A. Can you clarify?</p> <p>12 Q. Did you ask me to clarify or did</p> <p>13 you say did you?</p> <p>14 A. Yeah, can you clarify or be --</p> <p>15 Q. Yes. I may not be able to. Did</p> <p>16 the University give you any instructions at</p> <p>17 all after the -- after the hearing, with</p> <p>18 regards to the hearing?</p> <p>19 A. Only as it relates to next steps</p> <p>20 for our deliberations and completion of the</p> <p>21 form that you've shared on the screen.</p> <p>22 Q. And what were the next steps that</p> <p>23 they talked about?</p> <p>24 A. Panel was to meet, discuss the</p> <p>25 hearing, and make -- and complete the form.</p>	<p style="text-align: right;">42</p> <p>1 Q. Did the panel ever get a chance to</p> <p>2 meet?</p> <p>3 A. Yes.</p> <p>4 Q. When did the panel meet?</p> <p>5 A. Immediately following the hearing.</p> <p>6 Q. Like ten minutes following the</p> <p>7 hearing or --</p> <p>8 A. Immediately following the hearing.</p> <p>9 Q. Less than ten minutes following?</p> <p>10 Okay.</p> <p>11 A. Yeah, from what I can remember.</p> <p>12 Q. Okay. What was that meeting like?</p> <p>13 A. The panelists discussed the</p> <p>14 hearing.</p> <p>15 Q. Was there consensus early on?</p> <p>16 MR. BILUS: Objection to the</p> <p>17 form.</p> <p>18 Q. Did the panel, did the panelists</p> <p>19 ever reach consensus as to rationale or</p> <p>20 conclusion?</p> <p>21 A. I don't believe we reached full</p> <p>22 consensus.</p> <p>23 Q. It sounds like you believe there</p> <p>24 may have been a partial consensus?</p> <p>25 A. I don't believe we completed our</p>
<p style="text-align: right;">43</p> <p>1 process before being notified to end our</p> <p>2 process with the hearing.</p> <p>3 Q. During the discussions immediately</p> <p>4 following that February 4 hearing, what was</p> <p>5 your impression of the hearing?</p> <p>6 A. Can you repeat that first part,</p> <p>7 Solomon?</p> <p>8 Q. During that immediate conversation</p> <p>9 following the hearing, what was your</p> <p>10 impression of the hearing? How did you</p> <p>11 express your thoughts about SJP's</p> <p>12 disciplinary hearing?</p> <p>13 A. My initial thoughts were that the</p> <p>14 complainants did not adequately provide</p> <p>15 information or evidence related to a</p> <p>16 library policy violation.</p> <p>17 Q. Had you been the only panelist, you</p> <p>18 were the czar of the panel, you could have</p> <p>19 decided right then and there in that</p> <p>20 immediate moment, would you have found SJP</p> <p>21 responsible?</p> <p>22 MR. BILUS: Object to the form.</p> <p>23 Q. Please answer the question.</p> <p>24 A. Can you repeat it for me, Solomon?</p> <p>25 Q. In the immediate aftermath, had you</p>	<p style="text-align: right;">44</p> <p>1 been the sole panelist, would you have --</p> <p>2 how would you have found for SJP,</p> <p>3 responsible or not responsible, with</p> <p>4 regards to the allegations?</p> <p>5 MR. BILUS: Object to the form.</p> <p>6 Q. Please answer.</p> <p>7 A. I can still answer?</p> <p>8 Q. Yes.</p> <p>9 A. I wouldn't -- I wouldn't say in the</p> <p>10 immediate, Solomon, without reviewing my</p> <p>11 notes post. But if I were the only</p> <p>12 panelist, I do believe I would have found</p> <p>13 SJP not responsible for a policy violation.</p> <p>14 Q. Kirsten, could we look at the</p> <p>15 recommendation form.</p> <p>16 Jen, do you recognize this document?</p> <p>17 A. Yes.</p> <p>18 Q. Kirsten, could you quickly, not too</p> <p>19 quickly, but with some pace scroll through</p> <p>20 this document again just to show Jen that</p> <p>21 this is the document she read not too long</p> <p>22 ago.</p> <p>23 And I'm sorry, Jen, I don't know that I</p> <p>24 caught your pronouns at the beginning of</p> <p>25 this. Do you use she/her pronouns?</p>

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12 (Pages 45 to 48)

<p style="text-align: right;">45</p> <p>1 A. I do.</p> <p>2 Q. Excellent, thank you. Just, you</p> <p>3 understand this is the document you read</p> <p>4 not too long ago, Jen?</p> <p>5 A. Yes.</p> <p>6 Q. Excellent, thank you.</p> <p>7 Kirsten, you can go back to the top of</p> <p>8 the</p> <p>9 document. You said you recognize this</p> <p>10 document?</p> <p>11 A. Yes.</p> <p>12 Q. What is this document?</p> <p>13 A. A Conduct Board Recommendation</p> <p>14 Form.</p> <p>15 Q. When's the first time you saw this</p> <p>16 document? Do you recall seeing this</p> <p>17 document before today?</p> <p>18 A. I do.</p> <p>19 Q. Do you remember when that was?</p> <p>20 A. On a Zoom with the other panelists.</p> <p>21 Q. Do you know who made this document?</p> <p>22 A. One of the other panelists.</p> <p>23 Q. Do you recall which one?</p> <p>24 A. Zach Davis.</p> <p>25 Q. Zach Davis. Is Zach Davis -- do</p>	<p style="text-align: right;">46</p> <p>1 you know who the author is of this, of the</p> <p>2 -- not the form aspect of the form, but the</p> <p>3 entry, the entries as it were, do you know</p> <p>4 who authored that?</p> <p>5 A. Do you mean the content?</p> <p>6 Q. That's the word I'm looking for.</p> <p>7 Thank you.</p> <p>8 A. Zach Davis.</p> <p>9 Q. Zach. Did Zach get your input</p> <p>10 while authoring this?</p> <p>11 A. Yes.</p> <p>12 Q. How many panelists were there</p> <p>13 during the February 4 hearing?</p> <p>14 A. Three including myself.</p> <p>15 Q. So it was you, Zach, and then who</p> <p>16 was the third?</p> <p>17 A. Carlton Scott.</p> <p>18 Q. Carlton Scott. Two first names.</p> <p>19 Did Carlton also have a hand in drafting</p> <p>20 this?</p> <p>21 A. Yes.</p> <p>22 Q. This document seems to be, seems to</p> <p>23 be pretty far along in the drafting</p> <p>24 process. Where would you say this document</p> <p>25 is in the drafting process?</p>
<p style="text-align: right;">47</p> <p>1 MR. BILUS: Object to the form.</p> <p>2 Q. Could you say? Could you say where</p> <p>3 this document is in the drafting process?</p> <p>4 A. Pretty far along.</p> <p>5 Q. That's a good answer. Okay, so</p> <p>6 just to recap, Zach was the one who was</p> <p>7 actually typing into the document; correct?</p> <p>8 A. That is correct.</p> <p>9 Q. As he was typing into the document,</p> <p>10 though, you and Carlton were weighing in;</p> <p>11 is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. During that drafting process, was</p> <p>14 it difficult to come to final language?</p> <p>15 Well, was it difficult to come to the</p> <p>16 language that ultimately we're reading</p> <p>17 today?</p> <p>18 MR. BILUS: Object to the form.</p> <p>19 A. No.</p> <p>20 Q. Sandy said, "Object to the form,"</p> <p>21 but, Jen, you just said, "No"; is that</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Thank you. Did the group discuss a</p> <p>25 recommended outcome?</p>	<p style="text-align: right;">48</p> <p>1 A. Yes.</p> <p>2 Q. And all of this, the conversation,</p> <p>3 the drafting, and the discussion of the</p> <p>4 recommended outcome, that was all in the</p> <p>5 immediate Zoom call after the February 4</p> <p>6 hearing? Or excuse me. Was that all in</p> <p>7 the immediate call after the February 4</p> <p>8 hearing?</p> <p>9 A. Yes.</p> <p>10 Q. You said you discussed a</p> <p>11 recommended outcome. What was that</p> <p>12 discussion like?</p> <p>13 A. Discussion revolved around whether</p> <p>14 there was an actual library policy</p> <p>15 violation. We discussed.</p> <p>16 Q. And --</p> <p>17 A. But did not finalize or generate a</p> <p>18 recommendation from the panel. We didn't</p> <p>19 get to a conclusion from the panel.</p> <p>20 Q. You didn't get to a conclusion from</p> <p>21 the panel. What was your view during that</p> <p>22 discussion? Excuse me. What was your view</p> <p>23 during that discussion?</p> <p>24 A. Can you clarify?</p> <p>25 Q. What was your view during that</p>

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13 (Pages 49 to 52)

<p style="text-align: right;">49</p> <p>1 discussion with regards to the outcome?</p> <p>2 A. That it was unclear whether there</p> <p>3 was a violation, policy violation or not.</p> <p>4 Q. What was Zach's view during the</p> <p>5 discussion with regards to the outcome?</p> <p>6 A. I don't remember. You'd have to</p> <p>7 ask him.</p> <p>8 Q. Carlton's view?</p> <p>9 A. I don't remember.</p> <p>10 Q. Thank you. Did you share these</p> <p>11 findings with anyone?</p> <p>12 A. No.</p> <p>13 Q. I'm going to re-ask that question.</p> <p>14 I think I'll get the same answer. Did you</p> <p>15 share these findings with anyone in Pitt's</p> <p>16 upper administration?</p> <p>17 A. I did not.</p> <p>18 Q. Anyone in Student Conduct?</p> <p>19 A. Did I share them with anyone?</p> <p>20 Q. Did you, yes, yes, ma'am.</p> <p>21 A. I did not.</p> <p>22 Q. Are you aware of whether Zach or</p> <p>23 Scott, excuse me, Zach or Carlton -- two</p> <p>24 first names -- whether Zach or Carlton</p> <p>25 shared them with anyone in Pitt's upper</p>	<p style="text-align: right;">50</p> <p>1 administration or anyone in Student</p> <p>2 Conduct?</p> <p>3 A. Shared, can you clarify? Did</p> <p>4 either of those two share this form; is</p> <p>5 that what you're asking me?</p> <p>6 Q. Yes, ma'am, that's what I'm asking.</p> <p>7 A. I don't know.</p> <p>8 Q. Thank you. Was that the only --</p> <p>9 excuse me. Immediately after the February 4</p> <p>10 panel, you and the other two panelists got</p> <p>11 together to deliberate and created the</p> <p>12 draft of the recommendation form that I see</p> <p>13 before me, before us all; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Did you get the occasion to meet</p> <p>16 any other times?</p> <p>17 A. Yes.</p> <p>18 Q. When was the next time you all met?</p> <p>19 A. I don't remember.</p> <p>20 Q. Kirsten, I'm sorry to do this to</p> <p>21 you because it's going to be a little out</p> <p>22 of order, but could you please bring up</p> <p>23 what was previously I believe marked as 6</p> <p>24 but we'll now mark as 5.</p> <p>25 And, Mary, could we please mark this next</p>
<p style="text-align: right;">51</p> <p>1 document as Tuscano 5. Sandy, it's UPITT</p> <p>2 14030 to 31.</p> <p>3 MR. BILUS: I think we skipped a</p> <p>4 4. (The court reporter asked for</p> <p>5 clarification.)</p> <p>6 MX. WORLDS: Yes, this is the</p> <p>7 correct document, Kirsten. Thank you.</p> <p>8 MR. BILUS: So we're going to</p> <p>9 mark Bates No. 14030 as Exhibit 4?</p> <p>10 MX. WORLDS: Yes, that is</p> <p>11 correct. Thank you. Sorry, everybody,</p> <p>12 about the confusion.</p> <p>13 Q. (BY MX. WORLDS) Kirsten, could you</p> <p>14 scroll down to the bottom. Because it's an</p> <p>15 email, it makes sense to read it from</p> <p>16 bottom to top.</p> <p>17 And, Jen, if you could just read over</p> <p>18 this.</p> <p>19 A. Okay, I've read it.</p> <p>20 Q. Okay, thank you.</p> <p>21 A. You can scroll.</p> <p>22 Q. Excellent. Jen, is this document</p> <p>23 -- do you know what this document is?</p> <p>24 A. Yes.</p> <p>25 Q. What is it?</p>	<p style="text-align: right;">52</p> <p>1 A. An email exchange between Marlin</p> <p>2 and the panel with Matt Landy copied.</p> <p>3 Q. It looks like Marlin's email is</p> <p>4 dated February 6 to everybody; is that</p> <p>5 correct?</p> <p>6 A. Can you scroll down? Correct.</p> <p>7 Q. Excellent. So Dean Nabors sent the</p> <p>8 email to you on, sent this email to you on</p> <p>9 February 6 then. This email is asking the</p> <p>10 panel to pause its deliberation?</p> <p>11 Kirsten, could you please highlight that?</p> <p>12 It's near the middle of what Nabors had</p> <p>13 said.</p> <p>14 Asks that you pause any ongoing</p> <p>15 deliberations or preparations of any</p> <p>16 written record of findings; is that</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. I'm showing you this email</p> <p>20 because you said you weren't sure when you</p> <p>21 would have met with the rest of the panel.</p> <p>22 We know that the hearing was on the 4th.</p> <p>23 We know that Nabors sent you and the rest</p> <p>24 of the panel this email on the 6th, which</p> <p>25 means that you likely met on the 5th; would</p>

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14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 you say that that's probable?</p> <p>2 A. Yes.</p> <p>3 Q. Excellent. Do you recall what a</p> <p>4 meeting on the 5th would have been about?</p> <p>5 Excuse me. Please let me rephrase that</p> <p>6 question. Do you recall any specifics</p> <p>7 about what a meeting on February 5 with the</p> <p>8 panelists, what the contents of that</p> <p>9 meeting would have been, what you would</p> <p>10 have discussed with them?</p> <p>11 A. Yes.</p> <p>12 Q. Will you please describe it?</p> <p>13 A. Continued work on the conduct form</p> <p>14 draft.</p> <p>15 Q. So the document that we marked as</p> <p>16 3, the recommendation form, that is the</p> <p>17 work of you, Zach, and Carlton in your</p> <p>18 meetings immediately after the February 4</p> <p>19 panel and then on a meeting that took place</p> <p>20 on February 5; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Excellent, thank you. And thank</p> <p>23 you for going along with me with that</p> <p>24 email.</p> <p>25 Kirsten, could you please present the Open</p>	<p style="text-align: right;">54</p> <p>1 Letter? Sandy, this is UPITT 527. And,</p> <p>2 Mary, could we please mark this as</p> <p>3 Tuscano 5. On the screen you'll see that</p> <p>4 the title has a 4 in front of it. Please</p> <p>5 disregard that 4. This is Tuscano 5.</p> <p>6 Jen, have you seen this before?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know what it is?</p> <p>9 A. Yes.</p> <p>10 Q. Could you tell us what it is?</p> <p>11 A. A letter from SJP.</p> <p>12 Q. For purposes of today's deposition,</p> <p>13 do you mind if we refer to it as the Open</p> <p>14 Letter?</p> <p>15 A. Yes, good.</p> <p>16 Q. I know that was a trick question.</p> <p>17 I said do you mind.</p> <p>18 A. Yeah, I was going to say, no, I</p> <p>19 don't mind.</p> <p>20 Q. Okay, thank you, thank you.</p> <p>21 A. Yep.</p> <p>22 Q. Would you like -- actually I'll</p> <p>23 give you a chance to read over it if you</p> <p>24 could. For my purposes, it's not very</p> <p>25 important if you read the To, From, and CC</p>
<p style="text-align: right;">55</p> <p>1 line. If you'd like to read them, please</p> <p>2 feel free, but it's really the body of the</p> <p>3 message.</p> <p>4 A. You can scroll, please, Kirsten.</p> <p>5 Q. And for your own awareness, we can</p> <p>6 of course continue to scroll to the bottom</p> <p>7 of this document, but I only intend to ask</p> <p>8 you about contents on the first page.</p> <p>9 A. Okay.</p> <p>10 Q. You let me know when you're ready.</p> <p>11 A. I'm ready, Solomon.</p> <p>12 Q. Excellent, thank you. You're a</p> <p>13 recipient of the Open Letter; correct?</p> <p>14 A. Yes.</p> <p>15 Q. What did you do when you first saw</p> <p>16 it?</p> <p>17 A. Read it.</p> <p>18 Q. Normal response to email. How did</p> <p>19 you react when you read it?</p> <p>20 A. No real --</p> <p>21 Q. Did you react? Excuse me, did you</p> <p>22 react?</p> <p>23 A. I did not.</p> <p>24 Q. Why not?</p> <p>25 A. Because I believed my role on the</p>	<p style="text-align: right;">56</p> <p>1 Hearing Board was to determine whether a</p> <p>2 University library policy violation</p> <p>3 occurred.</p> <p>4 Q. Did you communicate with anyone,</p> <p>5 after reading the letter, about the letter?</p> <p>6 In the immediate, you know --</p> <p>7 A. No.</p> <p>8 Q. Okay, thank you, thank you. I'm</p> <p>9 aware that there were some communications,</p> <p>10 I mean, we just saw one.</p> <p>11 A. Sure.</p> <p>12 Q. So when you first got the letter,</p> <p>13 you read it, didn't think much of it and</p> <p>14 you didn't immediately reach out to someone</p> <p>15 to communicate with them; is that correct?</p> <p>16 A. That is --</p> <p>17 MR. BILUS: Object to the form.</p> <p>18 Q. Please answer.</p> <p>19 A. That is correct.</p> <p>20 Q. Thank you. When was the first time</p> <p>21 you spoke to someone from the University</p> <p>22 about the letter?</p> <p>23 A. I don't remember.</p> <p>24 Q. Did you speak with the co-</p> <p>25 panelists about the letter?</p>

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 Jen, before you answer that question, 2 Kirsten, could you please pull up document 3 No. 6, which will remain document No. 6. 4 For you, Sandy, once I find it, it is 5 UPITT 2439. 6 And, Mary, could we please mark this as 7 Tuscano 6. Thank you. Jen, could you take 8 a moment and read over 9 this document, please? 10 A. Yes. You can scroll, Kirsten, 11 please. You can scroll, please. 12 Q. That's the document. Thank you, 13 Kirsten. 14 We'll stay on this document for now. But 15 talking about the Open Letter, did you get 16 a chance to speak with panelists about the 17 Open Letter before a University Dean or 18 someone from the administration reached out 19 to you about it? 20 A. Yes. 21 Q. What was that conversation like? 22 A. Acknowledgment that we received it. 23 Q. Acknowledged it. Was there any 24 other kind of group reaction with regards 25 to the Open Letter?</p>	<p style="text-align: right;">58</p> <p>1 A. No. 2 Q. Did the Open Letter influence at 3 all how you thought about the February 4 4 hearing? 5 A. No. 6 Q. Do you recall whether the letter, 7 whether Zach had any sort of strong, or had 8 any reaction, excuse me, at all, to the 9 Open Letter? 10 A. I don't recall. 11 Q. Do you recall if Carlton had any 12 reaction to the Open Letter? 13 A. I don't recall. 14 Q. You just read over Tuscano 6. Am I 15 saying your last name correctly, Tuscano? 16 A. Tuscano, "can" instead of "cahn". 17 Q. Thank you. It's not fun to hear 18 your name mispronounced the entire way, the 19 entire time. Tuscano, thank you. Tuscano 6 20 -- I'm working on it -- you just read over 21 it. Have you seen this document before? 22 A. No. 23 Q. No. Do you know what it is, 24 though, from reading it? 25 A. From the parts where it has my name</p>
<p style="text-align: right;">59</p> <p>1 indicated, I recall those questions being 2 asked of me in a phone call by Marlin 3 Nabors. 4 Q. Okay. These are notes from Marlin 5 Nabors in conversations that he had with 6 you and conversations that he had with Zach 7 and Carlton. The portions that are of 8 course yours, are they correct and accurate 9 to the best of your recollection? 10 A. Yes, to the best of my 11 recollection. 12 MR. BILUS: Object to the form. 13 Go ahead. 14 A. Yes. 15 Q. From what you've read, is the 16 content, does the content reflect the 17 conversations you had with Zach? 18 A. Yes. 19 Q. Does the content reflect what the 20 conversations you had with Carlton? 21 A. Yes. 22 Q. Excellent. 23 Kirsten, could you please go back to 24 the 25 Open Letter. Kirsten, I'm sorry, let's go</p>	<p style="text-align: right;">60</p> <p>1 back to the document we were on. Okay, 2 appreciate it. Let's scroll to the top. 3 In this document we see that Carlton 4 in 5 particular was concerned with threatening 6 language that was used during the February 7 4 panel. Do you see instances of that in 8 this document? If you'd like I can -- 9 MR. BILUS: Object to the form. 10 I'm sorry, I didn't mean to cut you off, 11 Solomon. Go ahead. 12 Q. That's okay. If you'd like, I can 13 direct you to a few places, if that would 14 be helpful? 15 A. Please, yes, please. 16 Q. Kirsten, on Page 1, if you go to 17 Carlton. 18 So the second question, "Did you talk 19 about the email during deliberations?" 20 Carlton's answer, the one, two, third line, 21 it says, "The other board members didn't 22 understand it in the same way I did. My 23 concern was there should be something where 24 they shouldn't be able to do that - speak 25 to Hearing Board members in that capacity.</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 Similar to saying to jurors that 'watch 2 what you decide' because I have all these 3 people behind me. You should be aware. We 4 didn't need to be on that email." 5 Carlton's, is it fair to say Carlton's 6 concerned here; right? He literally used 7 the words, "My concern"? 8 A. Yes. 9 Q. He references language used when 10 they, which I assume is SJP, spoke to the 11 Hearing Board members. Would you agree 12 with that assessment? Would you like me to 13 resay that? 14 A. Yeah. 15 Q. That's okay. Carlton is 16 referencing SJP's words to the panelists; 17 is that correct? 18 MR. BILUS: Are you -- are you 19 just -- I mean, she's never seen this 20 document before and wasn't on the phone 21 call that this was, these are notes about. 22 Are you just asking her to read it and give 23 you her interpretation? 24 MX. WORLDS: No, I'm not just 25 asking her to read it and give her</p>	<p style="text-align: right;">62</p> <p>1 interpretation. I'm -- my plan is to ask if 2 this comports with some of the 3 conversations that she had with Carlton. I 4 know that we've gotten a yes on that 5 already, but I want to get into the details 6 because I think the details are important. 7 MR. BILUS: What was your 8 question again? 9 Q. (BY MX. WORLDS) According to 10 Carlton here per Nabors' notes, he had 11 concern with some of the language that SJP 12 used during the February 4 hearing. Is 13 that your understanding from the 14 highlighted information there, Jen? 15 MR. BILUS: I'll object. But, 16 Jen, go ahead and answer if you can. 17 A. Yes. 18 Q. Do you recall conversations with 19 Carlton where he discussed issues that he 20 had with SJP's words and rhetoric during 21 the February 4 hearing? 22 A. Yes. 23 Q. Do you recall what comments 24 specifically he took issue with? 25 A. I don't recall.</p>
<p style="text-align: right;">63</p> <p>1 Q. Later on in the next paragraph, the 2 question posed is, "Did you talk about the 3 fact that it could influence the board 4 during deliberations?" Zach's response is, 5 "No. Their comments during the hearing was 6 more problematic." Do you recall Zach 7 expressing issue or concern with comments 8 SJP representatives made during the 9 February 4 hearing? 10 A. No, I don't recall. 11 Q. Now I'm ready to go back to the 12 Open Letter, Kirsten, thank you. 13 You read over the Open Letter today. In 14 doing so, was there anything that stood out 15 to you? 16 A. No. 17 Q. And if I recall correctly, nothing 18 stood out to you when you first received 19 the letter; is that correct? 20 A. That is correct. 21 Q. We earlier referenced a pause in 22 adjudication, or rather, excuse me, in 23 deliberation, and I believe we looked at an 24 email from Nabors asking the panelists to 25 pause; is that correct?</p>	<p style="text-align: right;">64</p> <p>1 A. That's correct. 2 Q. From your understanding, why was 3 the panelists, why was the panel, excuse 4 me, asked to pause deliberations? 5 A. From my understanding, it was due 6 to the Open Letter sent to the panelists. 7 Q. Okay. Kirsten, you can stop 8 sharing your screen now. Thanks. 9 MR. BILUS: Solomon, at this 10 point we've been going for an hour and a 11 half. Do you have a lot left, or should we 12 take a break? 13 MX. WORLDS: You know what, this 14 is actually a perfect time for a pause. 15 Let's take maybe ten minutes, come back at, 16 eleven minutes, come back at 1:45? 17 MR. BILUS: Sounds great. 18 MX. WORLDS: Thanks, everyone. 19 THE WITNESS: Thank you. (A 20 recess was taken 1:36 to 1:48 p.m.) 21 Q. (BY MX. WORLDS) All right, now 22 we're back from the break. I think we're 23 probably into our final descent. So let's 24 kind of do some timeline, just let's go 25 over the timeline for a second, please.</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 The hearing, SJP's hearing was on February</p> <p>2 4, the one that you were a panelist on;</p> <p>3 correct, Jen?</p> <p>4 A. Yes.</p> <p>5 Q. And it's your opinion that the</p> <p>6 University of Pittsburgh was unable to</p> <p>7 sustain its burden at that -- sustain its</p> <p>8 burden to show that SJP was responsible for</p> <p>9 the conduct violations for which they were</p> <p>10 alleged to have committed?</p> <p>11 MR. BILUS: Object to the form.</p> <p>12 Q. Please answer.</p> <p>13 A. Yes.</p> <p>14 Q. Okay, thank you. And you got the</p> <p>15 Open Letter that evening on February 4; is</p> <p>16 that correct?</p> <p>17 A. Yes.</p> <p>18 Q. When did you read the letter?</p> <p>19 A. When I received it.</p> <p>20 Q. Did you read it that night then,</p> <p>21 the night of February 4?</p> <p>22 A. I don't remember.</p> <p>23 Q. If you didn't read it the 4th,</p> <p>24 would you have read it on February 5th?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">66</p> <p>1 Q. Excellent. And the letter had no</p> <p>2 bearing on your thoughts as to the February</p> <p>3 4 panel; is that correct?</p> <p>4 MR. BILUS: Object to the form.</p> <p>5 A. That is correct.</p> <p>6 Q. You stated earlier that it hadn't</p> <p>7 -- that it didn't change your views on the</p> <p>8 February 4 panel; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall it changing the views</p> <p>11 of either of the other panelists, Carlton</p> <p>12 or Zach?</p> <p>13 A. No.</p> <p>14 Q. Right after the February 4 panel</p> <p>15 proceedings, you and the other panelists</p> <p>16 you said met together to begin writing in</p> <p>17 the recommendation form document that we</p> <p>18 saw earlier; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Was that meeting over Zoom?</p> <p>21 A. Yes.</p> <p>22 Q. And were all three of you writing</p> <p>23 in the document at the same time?</p> <p>24 A. No.</p> <p>25 Q. Was the document, it was over Zoom,</p>
<p style="text-align: right;">67</p> <p>1 so was the document maybe shown via screen</p> <p>2 share or something like that?</p> <p>3 A. Yes.</p> <p>4 Q. And if I recall correctly, you said</p> <p>5 Zach was the author, so Zach was the one</p> <p>6 actually typing into the document?</p> <p>7 A. Yes.</p> <p>8 Q. While Zach was typing into the</p> <p>9 document, were you giving input?</p> <p>10 A. Yes.</p> <p>11 Q. As was Carlton?</p> <p>12 A. Yes.</p> <p>13 Q. Where was that document saved?</p> <p>14 Excuse me, do you know where that document</p> <p>15 was saved?</p> <p>16 A. No.</p> <p>17 Q. Do you know if it lived on -- I</p> <p>18 guess you just said no, so you don't know</p> <p>19 if it lived on Zach's computer or perhaps</p> <p>20 in whatever cloud system Pitt uses?</p> <p>21 A. I don't know.</p> <p>22 Q. And by cloud, I mean of course</p> <p>23 being a drive or something like that.</p> <p>24 You're not aware of it being on any --</p> <p>25 A. I am not aware, no.</p>	<p style="text-align: right;">68</p> <p>1 Q. Okay. Did you ever have access to</p> <p>2 that document?</p> <p>3 A. I believe I would have had access</p> <p>4 while it was being shared on a screen, but</p> <p>5 I don't recall, Solomon.</p> <p>6 Q. Access to edit the document while</p> <p>7 it was shared on the screen?</p> <p>8 A. I believe -- not actually via Zoom,</p> <p>9 right, with the document pulled up. But I</p> <p>10 do recall the ability, if in fact the</p> <p>11 document was pulled up on my computer, that</p> <p>12 I could see Zach entering information on my</p> <p>13 computer.</p> <p>14 Q. That seems to suggest that the</p> <p>15 document was somewhere that you could have</p> <p>16 edited it then, if you could see and type?</p> <p>17 A. Perhaps. But I don't -- don't know</p> <p>18 where and couldn't tell you how to access</p> <p>19 it.</p> <p>20 Q. Right, right. If that's the case</p> <p>21 then, and you said it wasn't through a</p> <p>22 screen share, which means it was probably</p> <p>23 in an application outside of Zoom that you</p> <p>24 were viewing this document?</p> <p>25 A. I don't know.</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 Q. You don't know. Okay, that's fine.</p> <p>2 If the document -- I'm trying to</p> <p>3 understand what you mean when you say that</p> <p>4 you could see him typing in, so this may</p> <p>5 seem -- are you familiar with Google Docs,</p> <p>6 in general?</p> <p>7 A. Vaguely, yeah.</p> <p>8 Q. Have you ever worked in a Google</p> <p>9 Doc document before where you can see</p> <p>10 someone else typing while you're also</p> <p>11 typing?</p> <p>12 A. I have.</p> <p>13 Q. Are you familiar that Microsoft has</p> <p>14 a similar system called SharePoint where</p> <p>15 they have an online version of Word or</p> <p>16 Excel similar to the Google Suite where you</p> <p>17 can do similar things?</p> <p>18 A. Vaguely, yes.</p> <p>19 Q. All right. Do you think it's</p> <p>20 possible that you would have had the</p> <p>21 document open in an application like that</p> <p>22 or perhaps on your browser, looking at</p> <p>23 something like that?</p> <p>24 A. Yes, I do think it's possible.</p> <p>25 Q. If you're looking, if you're able</p>	<p style="text-align: right;">70</p> <p>1 to see what's being typed, and perhaps even</p> <p>2 if you had the ability to comment or edit,</p> <p>3 does that seem likely that it was something</p> <p>4 akin to that, versus, you know, certainly</p> <p>5 versus a screen share on Zoom?</p> <p>6 A. Yes.</p> <p>7 Q. On February 5, the day after the</p> <p>8 SJP's proceedings, you met with the other</p> <p>9 co-panelists; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. During that meeting you discussed</p> <p>12 the letter, the Open Letter, excuse me; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And again, all panelists said that</p> <p>16 they wouldn't -- that the Open Letter</p> <p>17 didn't change the way they viewed that</p> <p>18 February 4 hearing; is that correct?</p> <p>19 A. Can you repeat the question for me,</p> <p>20 Solomon?</p> <p>21 Q. Yes. Yeah, just, just confirming</p> <p>22 what you said earlier, which is that</p> <p>23 neither you nor Carlton nor Zach thought</p> <p>24 that the Open Letter changed your views</p> <p>25 with regards to the February 4 hearing?</p>
<p style="text-align: right;">71</p> <p>1 MR. BILUS: Are you asking what</p> <p>2 they said during the February 5 call or</p> <p>3 meeting that they had or --</p> <p>4 Q. Yes.</p> <p>5 MR. BILUS: Or what they</p> <p>6 thought?</p> <p>7 Q. I'm asking what they -- I'm asking</p> <p>8 what they said. I think that's a little</p> <p>9 bit of semantics, but I'm asking what, what</p> <p>10 they represented, what they -- I assume</p> <p>11 what they said was what they thought, which</p> <p>12 is why I think it's a little bit of</p> <p>13 semantics there, but I'll rephrase the</p> <p>14 question. Did the panelists say that the</p> <p>15 Open Letter, the other two panelists, did</p> <p>16 they say that the Open Letter had no -- it</p> <p>17 didn't change their view with regards to</p> <p>18 the February 4 hearing?</p> <p>19 A. Correct, yes.</p> <p>20 Q. Okay, excellent. Did any of the</p> <p>21 panelists suggest pausing deliberations</p> <p>22 because of the Open Letter?</p> <p>23 A. No.</p> <p>24 Q. Do you think that the process</p> <p>25 should have been paused because of the Open</p>	<p style="text-align: right;">72</p> <p>1 Letter?</p> <p>2 A. No.</p> <p>3 Q. Do you recall whether Zach or</p> <p>4 Carlton thought that the process should</p> <p>5 have been paused because of the Open</p> <p>6 Letter?</p> <p>7 A. I don't recall.</p> <p>8 Q. When Nabors emailed you on the 6th</p> <p>9 asking you and Scott and Zach to pause</p> <p>10 deliberations, was that the first time a</p> <p>11 pause came up?</p> <p>12 A. Yes.</p> <p>13 Q. Did you work on it at all after --</p> <p>14 excuse me -- did you work on the</p> <p>15 recommendations, on that recommendation</p> <p>16 form at all after receiving that email from</p> <p>17 Nabors?</p> <p>18 A. No.</p> <p>19 Q. So that means starting on February</p> <p>20 6, you stopped working on that</p> <p>21 recommendation form; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Kirsten, could you please pull up</p> <p>24 the late February email. And could you</p> <p>25 also tell us what Bates number that is?</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 I'm sorry, I didn't write that down.</p> <p>2 MS. HANLON: Yes, it's 14034.</p> <p>3 And I will share that in the Dropbox, too.</p> <p>4 Q. And this will be Tuscano 7. Please</p> <p>5 scroll to the bottom of this one, too,</p> <p>6 since it's an email, please. Thank you,</p> <p>7 Kirsten.</p> <p>8 This email, well, once you're done reading</p> <p>9 this, Jen, we can scroll up.</p> <p>10 A. You can scroll up. You can scroll</p> <p>11 up. I've read it.</p> <p>12 Q. Excellent. Does this document look</p> <p>13 familiar to you?</p> <p>14 A. It does.</p> <p>15 Q. Do you recognize it as an email to</p> <p>16 Dean Nabors from Zach, your co-panelist,</p> <p>17 with you and Scott cc-ed on it?</p> <p>18 A. Yes.</p> <p>19 Q. Excuse me, you and Carlton cc-ed on</p> <p>20 it, excuse me. The contents of this email,</p> <p>21 it seems that Zach is asking for an update</p> <p>22 with regards to the hearing panel; is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did you ever get an update?</p>	<p style="text-align: right;">74</p> <p>1 A. I don't recall.</p> <p>2 Q. Did you ever end up working on the</p> <p>3 recommendation form between that February 6</p> <p>4 date and this, I believe this is February</p> <p>5 24 when this email was sent?</p> <p>6 A. No.</p> <p>7 Q. And has there been any work on that</p> <p>8 document since February 24?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Not to your knowledge, okay. I</p> <p>11 believe one more, maybe not one more, but I</p> <p>12 do have a few other questions.</p> <p>13 Kirsten, could you please pull up</p> <p>14 Tuscano's hearing notes. I believe that's</p> <p>15 -- I'm not going to guess the number.</p> <p>16 MS. HANLON: 2.</p> <p>17 Q. 2, yes, thank you, Tuscano 2. On</p> <p>18 Page 3, near the middle, this is connected</p> <p>19 to Jonathan Engel's -- Kirsten, could you</p> <p>20 scroll up just a little bit, please -- just</p> <p>21 for context, this is connected to your</p> <p>22 notes on Jonathan Engel, the library</p> <p>23 faculty member, I believe your notes during</p> <p>24 his testimony.</p> <p>25 I see a note you've written here towards</p>
<p style="text-align: right;">75</p> <p>1 the end of this section of notes, I see the</p> <p>2 question, "Have you ever witnessed in</p> <p>3 non-reservable spaces groups in that</p> <p>4 space?" And then it seems to be an answer</p> <p>5 afterwards, it says, "Saw a sorority group</p> <p>6 advertising for a study-in." Can you see</p> <p>7 the highlighted text?</p> <p>8 A. Yes.</p> <p>9 Q. Could you please give us a little</p> <p>10 bit of context about what, what this means?</p> <p>11 I'm not entirely -- I'm not entirely sure</p> <p>12 what this means.</p> <p>13 A. Based on my notes, Solomon, the</p> <p>14 question was asked of Jonathan if he had</p> <p>15 ever witnessed, in other non-reservable</p> <p>16 spaces in the library, if he ever saw</p> <p>17 groups in that area. His response was that</p> <p>18 he saw a sorority group advertising for a</p> <p>19 study-in.</p> <p>20 Q. Do you remember anything else about</p> <p>21 this question and answer?</p> <p>22 A. I'm sorry, I don't.</p> <p>23 Q. Okay. And is this a question that</p> <p>24 you asked or is this a question that</p> <p>25 someone else asked?</p>	<p style="text-align: right;">76</p> <p>1 A. Someone else asked.</p> <p>2 Q. Do you recall who asked the</p> <p>3 question?</p> <p>4 A. I don't.</p> <p>5 MX. WORLDS: Those are all the</p> <p>6 questions. Thank you.</p> <p>7 MR. BILUS: And I have no</p> <p>8 questions. I think we can close the</p> <p>9 deposition.</p> <p>10 (Signature having not been waived, the</p> <p>11 deposition was concluded at 2:03 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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20 (Pages 77 to 79)

<p style="text-align: right;">77</p> <p>1 COMMONWEALTH OF PENNSYLVANIA) 2) CERTIFICATE 3 COUNTY OF ALLEGHENY) SS: 4 I, Mary J. Carney, RMR and Notary Public in and 5 for the Commonwealth of Pennsylvania, do hereby 6 certify that the witness, JENNIFER TUSCANO, was by me 7 first duly sworn to testify to the truth; that the 8 foregoing deposition was taken at the time and place 9 stated herein; and that the said deposition was 10 recorded stenographically by me and then reduced to 11 printing under my direction, and constitutes a true 12 record of the testimony given by said witness. 13 I further certify that the inspection, reading 14 and signing of said deposition were NOT waived by 15 counsel for the respective parties and by the 16 witness. 17 I further certify that I am not a relative or 18 employee of any of the parties, or a relative or 19 employee of either counsel, and that I am in no way 20 interested directly or indirectly in this action. 21 IN WITNESS WHEREOF, I have hereunto set my hand 22 and affixed my seal of office this 8th day of July, 23 2025. 24 _____ 25 Notary Public</p>	<p style="text-align: right;">78</p> <p>1 COMMONWEALTH OF PENNSYLVANIA) E R R A T A 2 COUNTY OF ALLEGHENY) S H E E T 3 4 I, JENNIFER TUSCANO, have read the foregoing 5 pages of my deposition given on July 3, 2025, and 6 wish to make the following, if any, amendments, 7 additions, deletions or corrections: 8 Pg. No. Line No. Change and reason for change: 9 10 11 12 13 14 15 16 17 In all other respects, the transcript is true and 18 correct. 19 20 _____ 21 JENNIFER TUSCANO 22 23 Subscribed and sworn to before me this 24 _____ day of _____, 2025. 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>
<p style="text-align: right;">79</p> <p>1 AKF TECHNOLOGIES 2 445 Fort Pitt Boulevard, Suite 200 3 Pittsburgh, PA 15219 4 412-261-2323 5 6 July 8, 2025 7 8 TO: Jennifer Tusciano 9 c/o Alexander R. Bilus, Esquire 10 SAUL EWING LLP 11 Centre Square West 12 1500 Market Street, 38th Floor 13 Philadelphia, PA 19102-2186 14 215-972-7777 15 alexander.bilus@saul.com 16 RE: DEPOSITION OF JENNIFER TUSCANO 17 NOTICE OF NON-WAIVER OF SIGNATURE 18 Please have the deponent read her deposition 19 transcript. All corrections are to be noted on the 20 preceding Errata Sheet. 21 Upon completion of the above, the deponent must 22 affix her signature on the Errata Sheet, and it is to 23 then be notarized. 24 Please forward the signed original of the Errata 25 Sheet to Solomon Furious Worlds, Esq. for attachment 26 to the Original Transcript, which is in their 27 possession. Send a copy of same to all counsel, and 28 also a copy to me. 29 Please return the completed Errata Sheet within 30 thirty (30) days of receipt hereof. 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 92</p>	

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